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The decision of the Circuit Court of Appeals, like that of the Hawaiian Supreme Court, clearly deprives the petition of due process of law and of a fair and impartial trial.

This case is one "involving the Constitution" within the meaning of the provisions of federal law for review by the Circuit Court of Appeals of the Ninth Circuit as set forth in 28 USCA, section 1293.

In effect the opinion sought now to be reviewed by this Court is in conflict with opinions of other circuit courts and of the Supreme Court of the United States (see Bollenback v. United States, 326 U.S. 607; Boyd v. United States, 142 U.S. 450; Coffin v. United States, 156 U.S. 432; Crinnian v. United States, 6 Cir. 1924, 1 F. (2d) 643; Kempe v. United States, 8 Cir. 1945, 151 F. (2d) 680.

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# In the Supreme Court

OF THE

# United States

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MAY TERM, 1951

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**No.**

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CLARENCE C. CAMINOS,
*Petitioner,*

vs.

TERRITORY OF HAWAII,
*Respondent.*

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## PETITION FOR WRIT OF CERTIORARI, to the United States Court of Appeals for the Ninth Circuit.

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*To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:*

**Petitioner, Clarence C. Caminos, respectfully prays for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit, to review its final judgment, entered July 26, 1951, affirming the judgment of the Supreme Court of the Territory of Hawaii.**

## OPINIONS BELOW.

The opinion of the Supreme Court of the Territory of Hawaii is contained in the record. R. 158. The opinion of the Circuit Court of Appeals is contained in the record. R. 195.

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## JURISDICTION.

Jurisdiction of this Court is invoked under section 240 of the Judicial Code. 28 U.S.C.A., sec. 347 (a).

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## SUMMARY STATEMENT OF THE MATTER INVOLVED.

In the Circuit Court of the First Judicial Circuit of the Territory of Hawaii, the petitioner was indicted and found guilty of the crime of receiving bribes.

As provided by the laws of the Territory of Hawaii (see secs. 9551 and 9555, Revised Laws of Hawaii 1945), a writ of error was issued by the Supreme Court of the Territory of Hawaii and duly returned.

Briefs were filed by both parties, and argument by both parties before the Supreme Court of the Territory of Hawaii was held on June 14, 1950. The matter was taken under advisement and thereafter on August 28, 1950, filed its opinion affirming the judgments of the trial court. (R. 157-175).

In due time appellant perfected an apeal to the United States Court of Appeals for the Ninth Circuit (R. 177-194), that Court having jurisdiction to review the judgment of the Supreme Court of the Territory of Hawaii by reason of the provisions of section 128 of the Judicial Code.

## QUESTION PRESENTED

The appeal raises constitutional questions, it being maintained by appellant that he was denied his rights under the Constitution of the United States (1) to a fair and impartial trial; (2) to be informed of the nature of charges against him; (3) to present evidence on his behalf; (4) not to be held to answer except by indictment; (5) to due process of law; (6) to the equal protection of the laws; and (7) to be protected against future prosecution for the same offense.

A further question presented is that raised by the opinion of the Court of Appeals for the Ninth Circuit expressed in this case that as to the questions raised by the appeal, it is without jurisdiction to review the same.

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## REASONS RELIED ON FOR ALLOWANCE OF THE WRIT.

1. The decision of the Circuit Court of Appeals, like that of the Hawaiian Supreme Court, clearly deprives petitioner of due process of law and of a fair and impartial trial.

This case is one "involving the Constitution" within the meaning of the provisions of Federal law for review by the Circuit Court of Appeals for the Ninth Circuit as set forth in 28 USCA, section 1293.

If the decision in this case now sought to be reviewed remains unchallenged, parties deeming themselves agrieved by judgments of the Supreme Court of Hawaii in which constitutional questions are raised, the right of appeal granted by federal law (28 USCA, section 1293) will become ineffective.

2. In effect the opinion sought now to be reviewed by this Court is in conflict with opinions of other circuit

courts and of the Supreme Court of the United States. (see Bollenback v. United States, 326 U.S. 607; Boyd v. United States, 142 U.S. 450; Coffin v. United States, 156 U.S. 432; Crinnian v. United States, 6 Cir. 1924, 1 F. (2d) 643; Kempe v. United States, 8 Cir. 1945, 151 F. (2d) 680.

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## CONCLUSION

WHEREFORE, petitioner respectfully prays that a writ of certiorari be issued to the United States Court of Appeals for the Ninth Circuit and that the final judgment of said court in said cause be reviewed and reversed.

Dated, Honolulu, Hawaii,
August 24, 1951.

O. P. SOARES,
*Counsel for Petitioner.*